REMARKS/ARGUMENTS

Office Action Summary

Claims 1 through 12 are pending in the application. Claims 1-12 stand rejected under the judicially created doctrine of obviousness double patenting as being unpatentable over claims 1-12 of U.S. patent 6,766,175 to Uchiyama for Cordless and Wireless Telephone Docking Station. Claims 1-3, 5, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,915,224 (Jonsson) in view of U.S. patent 6,466,799 (Torrey et al.). Claims 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Torrey et al., and further in view of U.S. patent 5,309,502 (Hirai). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Torrey et al., and further in view of U.S. patent Pub. No. 2002/0086703 (Dimenstein et al.). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Torrey et al., and further in view of U.S. patent 5,884,191 (Karpus). Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jonsson in view of Torrey et al., and further in view of U.S. patent 5,991,640 (Lilja). Applicant is unaware of any other rejections or objections pending in the application.

Double Patenting Rejection

Applicant notes that the reference cited in this rejection is a U.S. patent that was invented by the inventor of the present application and that is assigned to the same corporation, Waxess Technology, Inc., as the present application. Accordingly, Applicant has submitted herewith a completed form PTO/SB/26 Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Art Patent in order to overcome this rejection. It is Applicant's belief that no fees are presently due with submission of this disclaimer.

Claims 1-3, 5, 8 Rejection under Jonsson in View of Torrey et al.

The teachings of Jonsson are directed to a multi-network communications terminal. Consider Figure 1, where Jonsson teaches a multi-network terminal device. This device can communicate with a mobile telephone network (i.e. wireless network) and a fixed network having cordless access points (i.e. cordless network), see Col. 5, lines 59-64. This dual network terminal function is accomplished using two transceivers, which are shown as items 8 and 9 in Figure 2. These devices have mobile telephony functions and cordless communications functions, respectively (see Col. 6, lines 2-14). Thus, Jonsson is addressing the need for a portable terminal device that can access multiple networks. In fact, the switch 12,13 in Figure 2 is used to select between the wireless transceiver 8 and the cordless transceiver 9 within the portable terminal devices itself. Further, the network switching circuit 11 in Figure 2 determines in which of the two networks the terminal device will operate (see Col. 6, lines 37-43). Thus, clearly, the teachings regarding Figure 1 and Figure 2 in Jonsson are directed to a multi-network portable terminal device.

With respect to Figure 4 and Figure 5 in Jonsson, Applicant notes that the purpose and function of the control unit 32 is to divert incoming mobile telephone (wireless) calls to the fixed telephone by sending over the mobile telephone network sequences to tones which coincide with the sequence of keystrokes that a user would manually enter to forward calls using pre-existing functions of the mobile network (see Col. 9, lines 61-67). Thus, the calls are routed through action by the pre-existing network function commands, not through switching functions within the terminal device itself. Jonsson teaches those skilled in the art to manipulate the existing network functions when the mobile phone 26 is inserted into the base 25,30. These are the network call diversion functions (see Col. 10, lines 1-19). In other words, the apparatus of Jonsson executes existing network function calls to achieve the desired call routing as the terminal device changes the network that is to be accessed.

The teachings of Jonsson related to Figure 4 and Figure 5 involve a wireless network and a PSTN metallic connection. Figure 6 and its related teachings do nothing

more than add a business cordless telephone network to the call diverting operations. Instead of a wireless versus a metallic network, Figure 6 is a wireless versus a cordless network embodiment. In fact the fixed network is merely swapped for a cordless network (see Col. 10, lines 36-41). Note that the terminal device 41 in Figure 6 includes both a mobile network antenna 42 and a business cordless antenna 43 that is adapted to communicate with the cordless base station 44. Thus, the call diversion tone sequences are applied to the cordless network instead of the wired network. There is no teaching of the switching of calls through switch, rather the diversion of calls using pre-existing network commands.

Figures 10, 11, 12,and 13 in Jonsson illustrate yet another embodiment of the teachings. Again, it is the terminal device, capable of operating in two networks, that chooses how a call is placed. Figures 10 and 11 clearly show the routing of calls occurring within the network, not within the device or a docking station. Figure 12 is explicitly stated as a variant of Figure 6 (see Col. 13, lines 29-33). Again, the pre-existing network functions are relied upon for call routing, not a switching circuit in the Jonsson appartus.

The present application Claim 1, the primary independent claim, differs significantly from the teachings of Jonsson. The claim is directed to a docking station that couples signals among a wireless telephone, a cordless telephone base unit radio transceiver, and a metallic telephone line. These are the call signals, including the wireless signals, the cordless signals, and the line signals, which are the communications signals that occur during a conversation. They are routed by a multiple port telephone switch, which carries and switches the conversations. The selection of the state of the switch (i.e. which ports are presently coupled) is based on an output state of a wireless telephone interface, indicating whether a wireless phone is present. The Jonsson reference teaches the sending of tones to control pre-existing network call routing functions to place or route calls within those networks to a terminal device that operates on multiple kinds of networks. The present claims are directed to switching, by a multiple port switch, the signals communicated during a conversation.

The rejection asserts that Jonsson teaches a telephone docking station in the form of a network terminal. This is not analogous to the presently claimed invention. The docking station claimed receives a wireless terminal and communicates with a cordless terminal, via its cordless telephone base, with transceiver. Thus the rejection is not proper because Jonsson does not provide the docking station function as claimed. Further, the rejection of Claim 1 of the present application is improper because Jonsson does not teach a multiple port telephone switch, or any kind of switch, that couples wireless signals, cordless signals, and line signals, as claimed. Rather, Jonsson sends tones signals into the networks to configure and control pre-existing network functions so that calls are routed according to a preferred resource (e.g. a preferred network). Of course, the calls are ultimately coupled to a terminal for human interface, but there is no switching function taught as claimed in the present application. Further, since there is no such switch, there can be no controller that controls the operation of that switch in accordance with the output state of the wireless telephone interface, as presently claimed. A rejection under 35 U.S.C. § 103 requires a finding of each and every element of the claims at issue. While the rejection asserts the coupling of signals among cordless and wireless handset, this has been shown to be incorrect. This assertion, as applied to Jonsson, would require the coupling of signals between the two components (the wireless transceiver and the cordless transceiver) in a single terminal unit, which is non-sensible from a communications standpoint. In Jonsson, the communications choice is which network to communicate through, not which terminals are coupled by a docking apparatus. Thus, the rejection incorrectly characterizes Jonsson, and fails to articulate the necessary elements vis-à-vis a proper rejection. Applicant respectfully submits that the rejection is improper and should be withdrawn.

The combination with Torrey et al. presupposes that a switch exists in Jonsson, and that Torrey et al. simply adds the multiple port concept. However, there is no analogous switch present in Jonsson, and no analogous control function. Thus, Torrey et al. cannot fill the void remaining in Jonsson. The rejection of Claim 1 by combination with Torrey et al. is therefore improper.

Regarding Claim 2, the rejection asserts that Jonsson teaches a controller that controls the switch depending on the presence or absence of the wireless terminal. This is incorrect. Jonsson manipulates the network routing function in response to the presence or absence of the mobile terminal, not the state of a switch, which is simply not present in Jonsson, as the claimed switch routes signals used during a conversation.

Regarding Claim 3, the same reasoning applied to Claim 2 applies. Further, the actuator relied upon in Jonsson is specifically used to implement the aforementioned network control tones. In particular, respecting Figure 14 in Jonsson, the specification provides that the actuators produces tones to control the existing network functions (see Col. 14, lines 21-29). Thus, there is no teaching by Jonsson of an actuator coupled to a controller to control the claimed multiple port switch. Therefore, the rejection is improper and should be withdrawn.

Regarding Claim 5, this claim extends the actuator control sequence to a remote operation in a cordless terminal unit. Thus, the same reasoning applied to Claim 3 is applicable to Claim 5. The rejection is therefore improper and should be withdrawn.

Regarding Claim 8, the reasoning applied to Claim 3 and Claim 5 applies to Claim 8 as well. In addition, the Jonsson reference fails to teach the selection of a multiple port switch state in response to answering a call. In Jonsson, the call routing is set by configuring the communications networks prior to the placement of a call. There is no teaching of a switch response at the time a call is ringing. Thus, the rejection of Claim 8 is improper and should be withdrawn.

Rejected Dependent Claims

Regarding the remaining Claims 4, 6-7, and 9-12, which were rejected in reliance on the Jonsson and Torrey et al. combination together with various other references, it is well-settled law that since these dependent claims depend from independent Claim 1, and since Claim 1 has been shown to be in condition for allowance, then these dependent claims are also in condition for allowance.

Other References

Applicant notes the prior art references cited, but not relied upon, by the Examiner.

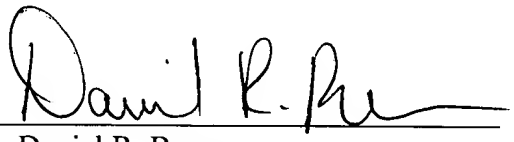
Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed October 22, 2004. The Applicant believes that the same places the present application in condition for allowance. Reconsideration by the Examiner and allowance of the claimed invention is hereby courteously solicited.

Since the total number of claims in the Application remains unchanged, it is Applicant's belief that all fees in the case have been previously paid. In the event that the Examiner determines otherwise, the that Commissioner is hereby authorized to charge such additional fees, excluding the Issue Fee, or credit any overpayment to Daniel R. Brown Deposit Account No. 501507.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: 

Daniel R. Brown
Reg. No. 37,787
Tel.: 817-428-3335
P.O. Box 821130
Fort Worth, TX 76182
e-mail: dan@danbrownlaw.com